

1  
2  
3  
4  
5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF WASHINGTON**  
7

8 MALCOM CONRAD ENGLE, SR.,  
9

10 Plaintiff,  
11  
12 v.  
13  
14 GRANT COUNTY SHERIFF'S  
15 OFFICE, U.S. DEPARTMENT OF  
16 JUVENILE JUSTICE,  
17 WASHINGTON STATE  
18 DEPARTMENT OF CHILDREN  
19 AND FAMILY SERVICE, SPOKANE  
20 COUNTY SHERIFF'S OFFICE and  
BRYCEN AND RACHELLE  
PETERSON,  
Defendants.

NO: 2:15-CV-245-RMP

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING FIRST AMENDED  
COMPLAINT

16  
17 BEFORE THE COURT is Magistrate Judge Hutton's Report and  
18 Recommendation to dismiss Plaintiff's First Amended Complaint without  
19 prejudice. ECF No. 12. Documents mailed to Plaintiff at the Grant County Jail  
20 were returned as undeliverable on January 13, 2016, with the notation that Plaintiff

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING  
FIRST AMENDED COMPLAINT -- 1

1 is no longer in custody. ECF No. 13. Plaintiff has not kept the Court apprised of  
2 his current address and has not filed anything further in this action.

3       In his First Amended Complaint, Plaintiff challenged events which allegedly  
4 began in 1990. He claimed that his rights under the U.S. Patriot Act Section  
5 26(2)(B)(ii) were violated due to royal sovereignty and diplomatic immunity. The  
6 USA PATRIOT Act encompasses various statutory provisions and Plaintiff's  
7 reference to "Section 26(2)(B)(ii)," without more, provides no statutory basis for  
8 relief. Plaintiff threatened "war" on this country if his children were not returned  
9 to him and claimed that his children were "stolen."

10       Matters involving family law/domestic relations are best deferred to the  
11 state. The State has a strong interest in domestic relations; state courts have  
12 relevant expertise in this area and the ability to provide ongoing supervision; and it  
13 is undesirable to have potentially incompatible federal and state decrees in this  
14 area. *See e.g., Ingram v. Hayes*, 866 F.2d 368, 369-70 (11th Cir. 1988) (per  
15 curiam); *DiRuggiero v. Rodgers*, 743 F.2d 1009, 1019-20 (3d Cir. 1984); 13B  
16 Wright & Miller, Federal Practice and Procedure § 3609, at 461 (1984).

17       There being no objections, **IT IS HEREBY ORDERED** that the Report and  
18 Recommendation is **ADOPTED IN ITS ENTIRETY** and the First Amended  
19 Complaint is **DISMISSED WITHOUT PREJUDICE** to Plaintiff seeking

1 appropriate remedies regarding child custody matters in the Washington State  
2 Courts.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment, forward a copy to Plaintiff at his last known address and close  
5 the file. The Court certifies any appeal of this dismissal would not be taken in good  
6 faith.

7 **DATED** this 26th day of January 2016.

8  
9 *s/ Rosanna Malouf Peterson*  
10 ROSANNA MALOUF PETERSON  
11 Chief United States District Court Judge